

Remarks

Claims 1 - 16 remain pending in the application.

35 U.S.C. § 121 Restriction Requirement

The examiner has invoked a restriction requirement alleging distinction between the species shown in Fig. 1, Fig. 2, Fig. 3, and Fig. 4. Contrary to the Examiner's assertion, the specification and Figures 1 - 4 are all directed towards an illuminated bubble wand that can be used to provide amusement to children, especially for outdoor play during evenings. Figure 1 illustrates a container with an illuminated bubble wand disposed within a container where the shaft has two bubble forming attachments mounted at each end of the shaft. Figure 2 illustrates a container with an illuminated bubble wand secured to the container of the cap. Figure 2 illustrates a container with an illuminated bubble wand that protrudes a distance from the container of the cap. Figure 4 illustrates a bubble wand where the shaft of the wand is a luminescent light stick. All figures disclose an illuminated bubble wand.

Having a restriction requirement would create an increased burden on the United States Patent and Trademark Office, on the Applicant, and ultimately on the Public by requiring prosecution on multiple patent applications. For the applicant, prosecuting multiple patent applications will result in increased costs for prosecution fees for multiple applications and maintenance fees for multiple patents. The USPTO will undertake an increased burden as additional costs are incurred by performing multiple patent searches and examinations for an invention that could more efficiently be searched and examined in a single case. Requiring a restriction ultimately places an increased burden on the pertinent public that review the applicant's patented technology. The public will be required to review multiple patents and file histories instead of reviewing a single issued patent and one file history related to the Applicant's invention.

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For at least the reasons stated above, it is requested that the restriction requirement be removed.


In the event the restriction requirement is not removed, the Applicant hereby provisionally elects the Claims related to Group I, the species shown in Fig. 1. These Claims include Claims 1 - 7 and Claims 9 - 15.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By:


Marc J. Frechette, Esq.
Reg. No. 49060